

United States District Court
Southern District of Texas
ENTERED

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

APR 24 2007

Michael N. Milby, Clerk of Court
By Deputy Clerk *RW*

UNITED STATES OF AMERICA
v.
(3) ROBERTO GUERRA,

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CRIMINAL NO. B-06-801-S3

OPINION & ORDER

BE IT REMEMBERED that on April 24, 2007, the Court **STRUCK** Defendant Roberto Guerra's Motion to Suppress Illegally Seized Evidence. Dkt. No. 221.

Upon consideration of Defendant's motion, the Court finds that it is identical to Defendant Efren Flores, Jr.'s Motion to Suppress Illegally Seized Evidence, Dkt. No. 170. The only difference between these motions is that the name "Efren Flores, Jr." has been replaced with the name "Roberto Guerra." Thus, the motion discusses a vehicular stop and a subsequent search involving Efren Flores, Jr., *not* Roberto Guerra. In fact, the stop, search, and seizure related to Defendant Roberto Guerra occurred several hours prior to, and several miles from, the stop and search related to Efren Flores, Jr. Therefore, the motion *sub judice* is nonsensical and frivolous, as Defendant Roberto Guerra was not stopped near and was not transported to the Hudson property and was not involved in any of the other conduct described in this motion.

Based on the foregoing, the Court **STRIKES** Defendant Roberto Guerra's Motion to Suppress Illegally Seized Evidence. Dkt. No. 221. Furthermore, the Court **ADMONISHES** Defendant's counsel, Jaime Munoz, that the filing of frivolous motions is inappropriate and will result in counsel being subjected to sanctions.

DONE at Brownsville, Texas, this 24 day of April, 2007.

Hilda G. Tagle
Hilda G. Tagle
United States District Judge